

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kevin O'Connor (Int)	Team: Team # 2	CCRB Case #: 201210950	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/22/2012 12:00 AM, Wednesday, 08/29/2012 12:35 AM	Location of Incident: § 87(2)(b)	Precinct: 50	18 Mo. SOL 2/28/2014	EO SOL 2/28/2014	
Date/Time CV Reported Mon, 09/24/2012 3:07 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 09/24/2012 3:07 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Andrew Greges	28881	949061	050 PCT
2. SGT John Tancredi	01061	924537	INT CIS
3. POM Guy Gargano	14100	943281	NAR DIV

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Sandra Pellegrini	04208	903924	050 PCT
2. POM Michael Heit	17013	928468	050 PCT
3. DI Kevin Burke	00000	918634	050 PCT
4. POM Edward Barrett	26908	936174	050 PCT
5. SGT John Hynes	03784	920415	050 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT John Tancredi	Abuse: On August 29, 2012, Sgt. John Tancredi threatened to arrest § 87(2)(b) at § 87(2)(b) in the Bronx.	§ 87(2)(b)
B.POM Andrew Greges	Abuse: On September 7, 2012, PO Andrew Greges entered and searched § 87(2)(b) in the Bronx.	§ 87(2)(b)
C.POM Guy Gargano	Abuse: On September 7, 2012, PO Guy Gargano refused to show a search warrant to § 87(2)(b) at § 87(2)(b) in the Bronx.	§ 87(2)(b)
D.POM Andrew Greges	Abuse: On September 8, 2012, PO Andrew Greges threatened § 87(2)(b) with the use of force at the 50th Precinct Stationhouse.	§ 87(2)(b)

### Case Summary

On August 22, 2012, § 87(2)(b) called the CCRB and filed a complaint through the Call Processing System (encl. 3A-B). § 87(2)(b) initially filed a complaint which was subsequently referred to the Office of Chief Department. During her in-person testimony made on September 24, 2012, § 87(2)(b) filed the following complaint:

On August 29, 2012, § 87(2)(b) was sitting on a bench outside § 87(2)(b) in the Bronx with several of her friends when Sgt. John Tancredi and Captain Kevin Burke approached the group. On September 7, 2012, PO Andrew Greges, Sgt. Tancredi and PO Guy Gargano entered and searched § 87(2)(b)'s apartment pursuant to a valid search warrant. On September 8, 2012, § 87(2)(b) was seated by the front desk inside the 50<sup>th</sup> Precinct Stationhouse while she waited to be transported to Bronx Central Booking. The following allegations resulted:

- **Allegation A-Abuse of Authority: On August 29, 2012, Sgt. John Tancredi threatened to arrest § 87(2)(b) at § 87(2)(b) in the Bronx.**  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)
- **Allegation B-Abuse of Authority: On September 7, 2012, PO Andrew Greges entered and searched § 87(2)(b) in the Bronx.**  
§ 87(2)(g)  
§ 87(2)(g)
- **Allegation C-Abuse of Authority: On September 7, 2012, PO Guy Gargano refused to show a search warrant to § 87(2)(b) at § 87(2)(b) in the Bronx.**
- **Allegation D-Abuse of Authority: On September 8, 2012, PO Andrew Greges threatened § 87(2)(b) with the use of force at the 50<sup>th</sup> Precinct Stationhouse.**  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

### Results of Investigation

#### Complainant/Victim § 87(2)(b)

- § 87(2)(b) -old black female, 5'5" tall, 190 pounds, with black hair and brown eyes.
- § 87(2)(b)

#### Civilian Statement

§ 87(2)(b) was interviewed at the CCRB on September 24, 2012 (encl. 5A-D).

#### **August 29, 2012**

On August 29, 2012, at approximately 12:35 a.m., § 87(2)(b) was sitting on a bench with her friends, § 87(2)(b) § 87(2)(b) who was later identified through a summons as § 87(2)(b) and an individual named § 87(2)(b) outside the § 87(2)(b) at § 87(2)(b) in the Bronx. One officer in plainclothes, described as a Hispanic male, approximately 5'6" tall, 175 pounds and bald, identified via investigation as Sgt. John Tancredi, and one officer in uniform, described as a white male, wearing a white uniform, approximately 5'7" tall, 160 pounds with sandy red hair and later

identified as Captain Kevin Burke, approached the group. § 87(2)(b) was intoxicated and was drinking from an open container of alcohol. § 87(2)(b) had a bottle of liquor in her hand but had not yet opened it and was not going to until she got upstairs to make § 87(2)(b) a drink. Sgt. Tancredi asked all members of the group, including § 87(2)(b) if they had any weapons on their person. § 87(2)(b) told Sgt. Tancredi she would consent to a frisk and was subsequently frisked by Sgt. Pellegrini, who was called to the scene.

After being frisked, § 87(2)(b) followed Sgt. Tancredi to his patrol vehicle and asked for his name and shield number, and he replied “Get out of here.” She asked again and he displayed his badge, which revealed a number of either 1061 or 1067, § 87(2)(e), § 87(2)(f). After obtaining Sgt. Tancredi’s name, § 87(2)(b) walked over to Sgt. Pellegrini’s vehicle to obtain her name and badge number as well as PO Heit’s. Sgt. Tancredi interjected and told § 87(2)(b) to get away from Sgt. Pellegrini and said, “If you keep fucking with me, you’ll be going with me.” § 87(2)(b) believed that Sgt. Tancredi was threatening to arrest her. Sgt. Tancredi and Captain Burke returned to a marked patrol vehicle, and § 87(2)(b) believed the vehicle number was 3395.

### **September 7, 2012**

On September 7, 2012, at approximately 10:00 p.m., § 87(2)(b) received a phone call from a neighbor and was told that her door had been breached. She arrived at her apartment, § 87(2)(b), located at § 87(2)(b) and saw that her door was wide open. PO1, in uniform and described as an Indian male, approximately 5’7” tall, 190 pounds with black hair, who remains unidentified, and PO2, in plainclothes and described as a tall white male and bald, identified via investigation as PO Guy Gargano, were inside. PO1 was in the living room and PO Gargano was inside § 87(2)(b)’s bedroom. The investigation determined that the only officers present at § 87(2)(b)’s apartment at any point before or after the search warrant execution were Sgt. Tancredi, PO Gargano and PO Greges.

§ 87(2)(b) entered and PO1 asked her if she lived there and upon confirmation, told her she was under arrest. § 87(2)(b) did not witness any search of the premises but noticed that her clothes were on the floor with beer bottles laid on top, and various papers were strewn across the apartment. § 87(2)(b) also noticed that \$3,500, a pair of diamond earrings and six cell phones in a shoe box were missing, which was referred to the Internal Affairs Bureau under CCRB case number 201212818. § 87(2)(b) asked PO1 and PO Gargano if there was a search warrant and requested that it be shown to her. PO1 and PO Gargano told § 87(2)(b) that “the boss” had it. § 87(2)(b) requested that “the boss” come upstairs and show her a search warrant.

Shortly after, Sgt. Tancredi came upstairs and told § 87(2)(b) she was under arrest. § 87(2)(b) did not ask Sgt. Tancredi to see a copy of the search warrant. § 87(2)(b) was then placed in handcuffs and was not told what she was arrested for. § 87(2)(b) was then transported to the 50<sup>th</sup> Precinct Stationhouse but did not recall which officers transported her.

### **September 8, 2012**

On September 8, 2012, at approximately 1:15 a.m., § 87(2)(b) was waiting at the front desk of the 50<sup>th</sup> Precinct Stationhouse to be taken to Bronx Central Booking after being charged with § 87(2)(b) that was located inside a locked duffel bag in § 87(2)(b)’s closet. § 87(2)(b) began to scream that she had to use the bathroom because she had previously been told that she could not. § 87(2)(b) urinated on herself and PO Andrew Greges, who was standing at the desk, told her, “If you piss, I’m going to mace the shit out of you.” PO Andrew Greges was identified by name and shield number and § 87(2)(b) and her son have had several interactions with PO Greges over the course of several years. § 87(2)(b) was not pepper sprayed by any officer at the stationhouse. Sgt. Tancredi and an unidentified captain were present by the desk when PO Greges threatened to pepper spray her. § 87(2)(b) could not provide a description of the unidentified captain.

### Attempts to Contact Civilians

§ 87(2)(b) and § 87(2)(b) who were present outside § 87(2)(b) during the August 29, 2012 incident, were not interviewed.

§ 87(2)(b)  
On October 9, 2012, a call was placed to § 87(2)(b) and the individual that answered hung up the phone shortly after answering. Between February 27, 2013 and March 21, 2013, three calls were placed to § 87(2)(b) and voice messages were left on each occasion. Letters mailed to § 87(2)(b) were not returned to the CCRB.

§ 87(2)(b)  
On February 27, 2013, a call was placed to § 87(2)(b) and a message was received that the number dialed was not in service. Letters mailed to § 87(2)(b) were not returned to the CCRB.

§ 87(2)(b)  
On March 11, 2013, a call was placed to § 87(2)(b) and the investigator was unable to leave a voice message. On March 13, 2013 and March 21, 2013, two calls were placed to § 87(2)(b) and a message was received that the number dialed was not in service each time. A please call letter mailed to § 87(2)(b) was returned to the CCRB under, “insufficient address, unable to forward.” Contact information for § 87(2)(b) could not be confirmed.

§ 87(2)(b)  
Contact information for § 87(2)(b) could not be located and a please call letter mailed to § 87(2)(b) was returned to the CCRB under, “not deliverable as addressed, unable to forward.”

§ 87(2)(b)  
§ 87(2)(b) did not recall § 87(2)(b)'s last name and did not know his contact information.

### NYPD Statements:

#### Subject Officer: SERGEANT JOHN TANCREDI

- § 87(2)(b) -old white male, 5'9" tall, 175 pounds, with black hair and brown eyes.
- Sgt. Tancredi worked from 3:40 p.m. on August 28, 2012, until 5:50 a.m. the following day. He was assigned as the Field Intelligence Officer and worked with Captain Kevin Burke. They were assigned to unmarked vehicle number 551 and were in plainclothes.
- Sgt. Tancredi worked from 2 p.m. on September 7, 2012, until 1:40 a.m. the following day. He was assigned as the Field Intelligence Officer and worked with PO Guy Gargano. They were assigned to an unmarked vehicle and were in plainclothes.

### Memo Book (Encl. 6A-I)

#### August 29, 2012

On August 29, 2012, at 12:25 a.m., a group of individuals were observed consuming alcohol in public in front of § 87(2)(b). Upon approaching the individuals, several members of the group placed bottles of alcohol on the ground and apologized. § 87(2)(e)

§ 87(2)(b)  
§ 87(2)(b)  
was very nervous and made furtive movements by attempting to cover an object and move side to side from left to right after a flashlight was shone on the area. § 87(2)(b) was asked several times what the bulge was and refused to answer. A second unit was called by Captain Burke and Sgt. Sandra Pellegrini ordered § 87(2)(b) to stand and she refused. § 87(2)(e), § 87(2)(f)

§ 87(2)(b)  
§ 87(2)(b) consented and the bulge was frisked by Sgt. Pellegrini and

determined to be a large sum of cash. A Stop, Question and Frisk Report was prepared and it was explained to § 87(2)(b) why she was stopped. § 87(2)(b) became irate, used profanity and threatened the officers. The officers then left the scene.

#### **September 7, 2012**

On September 7, 2012, at 8 p.m., a search warrant was executed at apartments § 87(2)(b) and § 87(2)(b) of § 87(2)(b). ESU gained entry into apartment § 87(2)(b) at approximately 8:05 p.m. § 87(2)(b) proceeded to run out of the apartment in an attempt to escape. § 87(2)(f)

Two crack pipes, two zips of crack with cocaine residue and one pellet pistol were located inside apartment § 87(2)(b). § 87(2)(b) was placed under arrest. An electric stun gun, a large dagger, a scale with crack/cocaine residue, a marijuana cigar and \$181.68 were found in apartment § 87(2)(b). § 87(2)(b) was subsequently arrested.

#### **Stop, Question and Frisk Report (Encl. 7)**

The Stop, Question and Frisk Report prepared by Sgt. Tancredi notes that § 87(2)(b) was stopped in front of § 87(2)(b) for four minutes. She was observed for two minutes prior to being stopped and a large bulge in her front left pants pocket was listed as the circumstance which led to the stop. § 87(2)(e)

§ 87(2)(b) made furtive movements by covering the bulge and shifting from left to right to avoid the flashlight that was being shone on the area. The bulge was determined to be United States currency.

#### **CCRB Testimony (Encl. 8A-C)**

Sgt. Tancredi was interviewed at the CCRB on April 30, 2013.

#### **August 29, 2012**

On August 29, 2012, at approximately 12:20 a.m., Sgt. Tancredi and Captain Burke noticed a group of individuals sitting on a bench outside of § 87(2)(b). Several of the individuals, who were seated about 10-12 car lengths away from Sgt. Tancredi's vehicle, appeared to have been consuming alcohol. Sgt. Tancredi, the operator of the vehicle, pulled into the apartment complex and both officers exited the vehicle. Three or four members of the group immediately placed bottles down on the ground and apologized for drinking beer. § 87(2)(e)

§ 87(2)(e), § 87(2)(f)

Sgt. Tancredi noticed a large bulge in § 87(2)(b)'s front left pants pocket. Sgt. Tancredi attempted to shine his flashlight on the bulge to get a better look, but § 87(2)(b) covered it with her right hand and constantly moved from left to right to shield her pocket from Sgt. Tancredi's flashlight. Sgt. Tancredi asked § 87(2)(b) multiple times to show him what the bulge was so he could confirm that it was not a firearm but she refused. The individuals that had been sitting with § 87(2)(b) became frustrated and asked her repeatedly to show Sgt. Tancredi what was inside her pocket.

Captain Burke called for an additional unit to respond to the scene and another patrol vehicle arrived shortly after. A male and female officer arrived, but Sgt. Tancredi did not recall either officer and believed that the female officer was a sergeant. The female sergeant asked § 87(2)(b) to stand up several times but she refused. Sgt. Tancredi attempted to reason with § 87(2)(b).

§ 87(2)(b) by saying that he did not care what was in her pocket as long as it was not a firearm and § 87(2)(b) calmed down. She consented to a frisk and the female sergeant felt the bulge in her left pants pocket from outside her pants and stated it was cash before walking away. The female sergeant did not enter § 87(2)(b)'s pockets at any point and did not search her.

Sgt. Tancredi prepared a Stop, Question and Frisk Report and explained to her the reason for the stop and frisk. He told § 87(2)(b) to have a good night before heading back to his vehicle. § 87(2)(b) became irate and told Sgt. Tancredi, "Fuck you", "Fuck the police", "I want your job" and that she knew how the system worked. She demanded that Sgt. Tancredi provide his name and shield number and he did so. § 87(2)(e), § 87(2)(f)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Sgt. Tancredi entered his vehicle and did not have any further interaction with § 87(2)(b). He did not tell her, "If you keep fucking with me, you'll be going with me", and did not threaten to arrest her. Sgt. Tancredi did not hear any other officer make any discourteous statements or threaten to arrest § 87(2)(b). § 87(2)(b) did not interact with any officer during the incident and did not approach another patrol vehicle at the scene. Sgt. Tancredi could see § 87(2)(b) writing something down as he drove away and assumed that it was his vehicle's license plate number.

#### September 7, 2012

On September 7, 2012, at approximately 10 p.m., Sgt. Tancredi assisted in the execution of search warrants at apartments § 87(2)(b) and § 87(2)(b) of § 87(2)(b) with PO Gargano and members of the Emergency Services Unit. As Sgt. Tancredi and PO Gargano approached apartment § 87(2)(b), Sgt. Tancredi realized that no officer had been covering the second floor after ESU gained entry into apartment § 87(2)(b) and ran down the stairs. Upon reaching the second floor, Sgt. Tancredi observed § 87(2)(b) running out of the apartment and apprehended him. § 87(2)(e), § 87(2)(f)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Sgt. Tancredi searched § 87(2)(b)'s apartment and found two crack pipes, two zips of crack, cocaine residue and a pellet pistol inside the kitchen oven. After § 87(2)(b) was placed under arrest, Sgt. Tancredi went to apartment § 87(2)(b) and saw that § 87(2)(b) was inside the doorway. § 87(2)(b) told Sgt. Tancredi, "That's what I get for calling IAB on you" and said this was the reason why ESU had broken her door down. She asked Sgt. Tancredi to show her a copy of the search warrant and he did so. An electric stun gun, a large dagger, a scale with crack/cocaine residue, a marijuana cigar and \$181.68 was recovered from § 87(2)(b)'s apartment. § 87(2)(b) was placed under arrest and was transported to the 50<sup>th</sup> Precinct Stationhouse, but Sgt. Tancredi did not transport her and did not recall which officer did so.

Sgt. Tancredi did not observe ESU's entry into § 87(2)(b)'s apartment or the search and did not know if she had asked any other officer to provide a copy of the search warrant. Sgt. Tancredi and PO Gargano were the only officers who had copies of the warrant and was told that § 87(2)(b) received a second copy of the search warrant at the 50<sup>th</sup> Precinct Stationhouse. Sgt. Tancredi did not recall any other officers being present besides himself, PO Gargano and ESU personnel. Sgt. Tancredi he did not recall seeing PO Andrew Greges during the execution of either search warrant at § 87(2)(b) or at any point on September 7, 2012.

### **September 8, 2012**

Sgt. Tancredi was not present at the 50<sup>th</sup> Precinct Stationhouse on September 8, 2012. When shown a command log entry which noted that he had authorized a strip-search of § 87(2)(b), Sgt. Tancredi stated that the handwriting was not his and that he was not present at the stationhouse when the search was authorized. Sgt. Tancredi did not observe PO Greges or any officer tell § 87(2)(b) "If you piss, I'm gonna mace the shit out of you", or threaten to pepper spray her at any point.

### **Witness Officer: POLICE OFFICER MICHAEL HEIT**

- § 87(2)(b) -old Hispanic male, 5'8" tall, 195 pounds, with brown hair and brown eyes.
- PO Heit worked from 11:15 p.m. on August 28, 2012, until 7:50 a.m. the following day. He was assigned as the Sergeant's Operator and worked with Sgt. Sandra Pellegrini. They were assigned to marked patrol vehicle number 3957 and were in uniform.

### **Memo Book (Encl. 10A-F)**

On August 29, 2012, at 12:20 a.m., a call from the 50<sup>th</sup> Precinct commanding officer was received requesting an additional unit at § 87(2)(b). At 12:25 a.m., criminal summons number § 87(2)(b) was issued to § 87(2)(b). § 87(2)(b) was stopped by the commanding officer and was observed holding a 22 ounce bottle of malt liquor.

### **Summons #§ 87(2)(b) (Encl. 11)**

§ 87(2)(b) was issued a summons for § 87(2)(b) by PO Heit in front of § 87(2)(b) on August 29, 2012.

### **CCRB Testimony (Encl. 12A-B)**

PO Heit was interviewed at the CCRB on July 5, 2013.

### **August 29, 2012**

PO Heit did not hear any individual ask Sgt. Tancredi for his name and badge number. No members of the group approached his patrol vehicle at any point and no discourteous statements or threats of arrest were made by Sgt. Tancredi or any officer. PO Heit was not present for either incident on September 7, 2012, or September 8, 2012.

### **Subject Officer: POLICE OFFICER ANDREW GREGES**

- § 87(2)(b) -old white male, 6'1" tall, 208 pounds, with brown hair and brown eyes.
- PO Greges worked from 3:00 p.m. on September 7, 2012 until 4:35 a.m. the following day. He was assigned to Housing Patrol and worked with PO Edward Barrett. They were assigned to a marked vehicle and were in uniform.

### **Memo Book (Encl. 14A-E)**

On September 7, 2012, at 8:35 p.m., PO Greges assisted the 50<sup>th</sup> Precinct Field Intelligence Officer with search warrants for apartments § 87(2)(b) and § 87(2)(b) at § 87(2)(b). At 9:58 p.m., PO Greges arrived at § 87(2)(b) after two individuals were arrested by the Field Intelligence Officer in regard to the search warrant executions. At 10:15 p.m., PO Greges transported one male and one female to the 50<sup>th</sup> Precinct Stationhouse and arrived there at 10:20 p.m. At 11p.m., § 87(2)(b) was strip-searched by PO Flavin. At 11:35 p.m., PO Greges was assigned § 87(2)(b) § 87(2)(b)'s arrest for § 87(2)(b) by PO Guy Gargano. From 12:05 a.m. until 4:27 a.m. on September 8, 2012, PO Greges completed paperwork regarding § 87(2)(b)'s arrest.

**Search Warrant** § 87(2)(b) (Encl. 15A-C)

On § 87(2)(b), PO Greges requested a search warrant authorizing the search of apartment § 87(2)(b) of § 87(2)(b) for possession of crack/cocaine, and evidence demonstrating that the premises are used for the unlawful possession, packaging and sale of crack/cocaine, United States currency and drug paraphernalia. The warrant was signed by the Honorable § 87(2)(b) and was to be executed no longer than ten days after it was signed.

**Arrest Report** (Encl.16A-C)

§ 87(2)(b) was placed under arrest on September 7, 2012, in regard to this incident. She was charged with § 87(2)(a) 160.50

Her arrest number was § 87(2)(a) 160.50 and she was issued New York State Identification Number § 87(2)(b)

**CCRB Testimony** (Encl. 17A-C)

PO Greges was interviewed at the CCRB on July 9, 2013. He was not present for the August 29, 2012 incident.

**September 7, 2012**

On September 7, 2012, at approximately 8:35 p.m., PO Greges and PO Barrett assisted in transporting § 87(2)(b) and § 87(2)(b) to the 50<sup>th</sup> Precinct Stationhouse. PO Greges did not hear § 87(2)(b) request that a search warrant be shown to her at any point.

**September 8, 2012**

On September 8, 2012, at approximately 1:15 a.m., at the 50<sup>th</sup> Precinct Stationhouse, § 87(2)(b) told PO Greges that she had to use the bathroom and PO Greges replied that she could not use the bathroom until a female officer removed her handcuffs and checked if she had any contraband on her.

For the next 10 to 15 minutes, § 87(2)(b) requested to use the bathroom “every thirty seconds”, to the point that PO Greges lost count of how many times she had asked to use the bathroom. PO Greges explained to her approximately five or six times that she had to first wait for the female officer to arrive to check her for contraband and then she would be allowed to use the bathroom. § 87(2)(b) told PO Greges that if the female officer did not come in the next two minutes, she was going to urinate on the floor. PO Greges asked § 87(2)(b) not to do this and § 87(2)(b) said, “Fuck it” and wiggled her hips side to side so that her pants and underwear rolled down her legs.

PO Barrett came from the back of the stationhouse and “may have” told § 87(2)(b) that if she urinated on the floor he would “mace her” because he would have to be the one to clean it up. PO Greges did not recall specifically what PO Barrett said and did not recall if he had made the statement, “If you piss, I’ll mace the shit out of you.” PO Greges believed that PO Barrett may have told § 87(2)(b) that she would be pepper sprayed because her urinating on the floor would cause a health hazard by exposing people in the stationhouse to her bodily fluids. PO Greges denied threatening to pepper spray § 87(2)(b) PO Greges did not recall if the desk sergeant, Sgt. John Hynes, had still been at the desk at that point and believed that he was the only officer within hearing distance when PO Barrett threatened to pepper spray § 87(2)(b)

**Subject Officer: POLICE OFFICER GUY GARGANO**

- § 87(2)(b) -old white male, 6’0” tall, 195 pounds, with brown hair and brown eyes.



- *PO Gargano worked from 8 a.m. until 10:31 p.m. on September 7, 2012. He was assigned as the Field Intelligence Officer's Assistant and worked with Sgt. John Tancredi. They were assigned to an unmarked vehicle and were in plainclothes.*

**Memo Book (Encl. 18A-C)**

On September 7, 2012, at 8 p.m., Bronx County search warrants § 87(2)(b) and § 87(2)(b) were executed in apartments § 87(2)(b) and § 87(2)(b) at § 87(2)(b).

**CCRB Testimony (Encl. 19A-B)**

PO Gargano was interviewed at the CCRB on July 30, 2013. He was not present for either the August 29, 2012 incident or the September 8, 2012 incident.

**September 7, 2012**

At approximately 8:00 p.m., PO Gargano arrived at § 87(2)(b) to execute search warrants in apartment § 87(2)(b) and § 87(2)(b) of § 87(2)(b). Once ESU gained entry to apartment § 87(2)(b), Sgt. Tancredi and PO Gargano entered the apartment and discovered that § 87(2)(b) was not home. They found narcotics and other drug paraphernalia inside the apartment. A short time later, PO Grege arrived at the apartment.

§ 87(2)(b) then arrived and began to curse at the officers. PO Gargano and Sgt. Tancredi share a case file, which contained one copy of the warrant, and PO Gargano was holding it at the time. PO Grege had a copy of the search warrant as well. PO Gargano did not recall if § 87(2)(b) asked him or PO Grege to see the search warrant but he did not refuse to show it to her nor did any other officer. § 87(2)(b) was then handcuffed and taken downstairs.

**Witness Officer: POLICE OFFICER EDWARD BARRETT**

- § 87(2)(b) -old white male, 5'7" tall, 170 pounds, with brown hair and brown eyes.
- *PO Barrett worked from 3 p.m. on September 7, 2012 until 12:35 a.m. the following day. He was assigned to Housing Patrol with PO Andrew Grege. They were assigned to a marked patrol van and were in uniform.*

**Memo Book (Encl. 20A-C)**

On September 7, 2012, at 8:35 p.m., PO Barrett secured apartment § 87(2)(b) of § 87(2)(b) for ESU arrival. At 9:00 p.m., PO Barrett resumed patrol. At 9:58 p.m., PO Barrett received a call from the Field Intelligence Officer and was instructed to transport one male and one female in regard to the search warrants executed to the 50<sup>th</sup> Precinct Stationhouse. At 10:20 p.m., PO Barrett arrived at the 50<sup>th</sup> Precinct Stationhouse.

**CCRB Testimony (Encl. 21A-B)**

PO Barrett was interviewed at the CCRB on July 30, 2013. He was not present for the August 29, 2012 incident.

**September 7, 2012**

PO Barrett corroborated PO Grege's testimony that they assisted in transporting § 87(2)(b) and § 87(2)(b) to the 50<sup>th</sup> Precinct Stationhouse. PO Barrett did not hear § 87(2)(b) request that any officer show her a warrant.

**September 8, 2012**

PO Barrett walked through several areas of the stationhouse in an attempt to locate a female officer to search § 87(2)(b) for contraband before she was placed in a cell. PO Barrett did not find a female officer in the stationhouse, so he made some phone calls to try and find out which female officers were working at the time. When PO Barrett returned to the front desk, § 87(2)(b) threatened to urinate on the floor and subsequently did so.

PO Barrett did not tell § 87(2)(b) “If you piss, I’ll mace the shit out of you,” and did not hear PO Greges or any other officer make this statement. PO Barrett did not threaten to use his pepper spray at any point and does not carry pepper spray. PO Barrett did not hear PO Greges threaten to use pepper spray against § 87(2)(b). PO Barrett did not have any interaction with § 87(2)(b) while at the stationhouse and did not hear any conversation between PO Greges and § 87(2)(b). PO Barrett believed that the desk sergeant was present when § 87(2)(b) urinated on the floor, but was not sure who was assigned to the desk at that time.

### **Officers Not Interviewed**

Captain Kevin Burke and Sgt. Pellegrini, who were present during the August 29, 2012 incident, were not interviewed. Sgt. Pellegrini went on pre-separation leave on April 25, 2013 until her date of retirement, which will be on August 31, 2013, therefore she was unable to be interviewed.

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### **NYPD Documents**

#### **50<sup>th</sup> Precinct Command Log Entry (Encl. 24)**

§ 87(2)(b)'s arrest on September 7, 2012 was entered into the command log at 10:20 p.m. Her arresting officer was PO Greges.

#### **Arrest for Incident and Disposition (Encl. 28)**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### **Status of Civil Proceedings (Encl. 29)**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of August 7, 2013, nine months after the filing deadline, with regard to the incident.

#### **Civilian Criminal History (Encl. 27A-B)**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### **Civilian CCRB History (Encl. 2)**

- § 87(2)(b) has filed the following CCRB complaints:

- § 87(2)(b)

- § 87(2)(b) has previously filed the following complaints § 87(2)(b)

### **Subject Officers CCRB History**

- Sgt. Tancredi has been a member of the service for fourteen years and there is one substantiated CCRB allegation against him (encl. 1A-B).
  - In CCRB case number 200912901, an allegation of refusal to provide name and shield number was substantiated against Sgt. Tancredi. The CCRB Board recommended charges and no disciplinary action was taken by the NYPD.
- PO Greges has been a member of the service for three years and there are no substantiated CCRB allegations against him (encl. 1C-D).
- PO Gargano has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. 1E).

### **Conclusion**

#### **Identification of Subject Officers**

Sgt. Tancredi acknowledged interacting with § 87(2)(b) on August 29, 2012 and September 7, 2012. § 87(2)(g) PO Greges acknowledged interacting with § 87(2)(b) on September 7, 2012. § 87(2)(g) PO Gargano acknowledged interacting with § 87(2)(b) on September 7, 2012. As § 87(2)(b) stated that she asked to see a search warrant prior to interacting with Sgt. Tancredi and PO Gargano stated that he held the copy of the search warrant and when § 87(2)(b) arrived the only officers present in her apartment were himself and Sgt. Tancredi, § 87(2)(g) As § 87(2)(b) identified PO Greges by name as the officer who had threatened to pepper spray her, as well as her past history of encounters with PO Greges, § 87(2)(g)

#### **Allegations Not Pleaded**

- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)

### **Investigative Findings and Recommendations**

#### **Allegation A-Abuse of Authority: On August 29, 2012, Sgt. John Tancredi threatened to arrest § 87(2)(b) at § 87(2)(b) in the Bronx.**

§ 87(2)(b) alleged that after she approached Sgt. Pellegrini's patrol vehicle to obtain her name and shield number, Sgt. Tancredi told her, "If you keep fucking with me, you'll be going with me." § 87(2)(b) interpreted this statement as a threat to arrest her. Sgt. Tancredi stated that he did not make the aforementioned statement and did not threaten to arrest § 87(2)(b) at any point. PO Heit did not observe Sgt. Tancredi threaten to arrest § 87(2)(b) and did not hear any of the individuals seated outside § 87(2)(b) have any verbal interaction with any of the officers on the scene.

§ 87(2)(g)

§ 87(2)(g)

**Allegation B-Abuse of Authority: On September 7, 2012, PO Andrew Greges entered and searched § 87(2)(b) in the Bronx.**

§ 87(2)(b) alleged that when she arrived at her apartment, she saw one plainclothes officer and one uniformed officer in her apartment. She did not observe any officer search her apartment, but stated that her clothes were strewn across the floor and her apartment appeared to have been searched. § 87(2)(g)

**Allegation C-Abuse of Authority: On September 7, 2012, PO Guy Gargano refused to show a search warrant to § 87(2)(b) at § 87(2)(b) in the Bronx.**

§ 87(2)(b) alleged that upon arriving at her apartment, she saw one plainclothes officer and one uniformed officer inside the apartment. She requested to see a search warrant and the officers told her that she would see one once “the boss” arrived. Sgt. Tancredi arrived at § 87(2)(b)'s apartment shortly after and told her she was under arrest. § 87(2)(b) did not ask Sgt. Tancredi to see the search warrant. PO Gargano stated that he and Sgt. Tancredi were the only officers inside § 87(2)(b)'s apartment and that he was holding the search warrant, which was enclosed in a case file that he and Sgt. Tancredi share. PO Gargano did not recall if § 87(2)(b) asked for a search warrant but did not refuse to show it to her. PO Gargano stated that PO Greges also had a copy of the search warrant, but arrived at apartment § 87(2)(b) after § 87(2)(b).

Sgt. Tancredi stated that once § 87(2)(b) showed up at the apartment, § 87(2)(b) requested to see the search warrant and he showed her a copy. Sgt. Tancredi stated that he was also informed by another officer that he could not recall that § 87(2)(b) had received a second copy of the search warrant at the 50<sup>th</sup> Precinct Stationhouse. PO Greges stated that he was not present during the entry into apartment § 87(2)(b) and only arrived at the apartment after Sgt. Tancredi had called him to transport one male and one female from the location to the 50<sup>th</sup> Precinct Stationhouse. Upon arrival, § 87(2)(b) was already in handcuffs inside the apartment was standing with PO Gargano and Sgt. Tancredi. PO Greges did not have any interaction with § 87(2)(b). PO Greges did not hear § 87(2)(b) ask any officer to see a search warrant and did not observe any officer refuse to show her a search warrant. PO Barrett also did not hear § 87(2)(b) ask any officer to see a search warrant nor did he observe any officer refuse to show her a search warrant.

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**Allegation D-Abuse of Authority: On September 8, 2012, PO Andrew Greges threatened § 87(2)(b) with the use of force at the 50<sup>th</sup> Precinct Stationhouse.**

§ 87(2)(b) alleged that after several requests to use the bathroom went ignored, she urinated on herself. PO Greges then told her, “If you piss, I’m gonna mace the shit out of you.” PO Greges stated that he did not make the aforementioned statement or threaten to use pepper spray against § 87(2)(b) at any point. PO Greges stated that his partner, PO Barrett, “may have” come around the front desk and threaten to pepper spray § 87(2)(b) because her exposing other

individuals to her bodily fluids was a health hazard. PO Greges did not recall if PO Barrett specifically said, “If you piss, I’m gonna mace the shit out of you”, and did not recall if he used any profanity.

PO Barrett stated that he did not interact with § 87(2)(b) at the 50<sup>th</sup> Precinct Stationhouse and was busy making phone calls and looking around the stationhouse for a female officer to search § 87(2)(b) before she was placed in a cell. PO Barrett did not hear § 87(2)(b) have any interaction with PO Greges and did not hear him threaten to use pepper spray against her or make any discourteous statements towards her.

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date